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NO. 0702 P. 1

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TO: Mail Stop Issue Fee
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Re: **10/087,716** filing date: 03/01/2002

Attorney Docket No.: 2001P05135US01

Issue Fee Date Due: 05/10/2005

Paper Dated: 05/09/2005

The required fees have been authorized to be charged to Deposit Account 19-2179.

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Facsimile Cover Sheet (1 pg.)

PTOL-85 PART B-FEE(S) TRANSMITTAL (2 pgs., original + 1 copy)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE (2 pgs)


Sandra J. Steunenberg

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MAY 9 2005 3:35PM

407-736-6440

NO. 0702 P. 4

MAY 09 2005 10:08,716

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Group Art Unit: 1775

Applicant: Matthias Oechsner

Examiner: McNeil, Jennifer C.

Serial No.: 10/087,716

Atty. Dkt.: 01P05135US01

Filed: March 1, 2002

Title: THERMAL BARRIER COATING HAVING SUBSURFACE
INCLUSIONS FOR IMPROVED THERMAL SHOCK RESISTANCE

Assistant Commissioner for Patents
P.O. Box 1450
Washington, DC 20231-450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The applicants appreciate the allowance of the subject application but feel compelled to comment on the Examiner's statement of reasons for allowance contained in the Notice of Allowability.

MPEP 1302.14 provides that the statement of reasons for allowance "is not intended to necessarily state all the reasons for allowance or all the details why claims are allowed and should not be written to specifically or impliedly state that all the reasons for allowance are set forth." It appears to the applicants that the Examiner's statement is directed particularly to independent claim 1. Thus, the Examiner's statement should not be construed as including all of the reasons for allowance or as specifically or impliedly stating all of the details of why the various claims are allowed. To do otherwise might give the impression that each of the limitations and operational relationships present in that single independent claim are present in all of the other claims, and this is just not so.

By way of example and without attempting to reiterate each of the novel and nonobvious aspects of the invention, the applicants point out that independent claims 7, 21, 22 and 36 are each directed to a thermal barrier

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coating, and thus do not include all of the limitations of claim 1 which is directed to a component comprising a substrate and a thermal barrier coating.

By way of a further non-limiting example, the Examiner points to the claim 1 limitation of a plurality of inclusions; however the apparatus of independent claim 21 does not comprise such inclusions but rather comprises a plurality of stress relieving cracks extending into voids formed from inclusions.

The applicants do not disagree that the stated reasons for allowance are adequate for the allowance of at least claim 1. However, the applicants respectfully submit that any ambiguities in the prosecution history that could arguably result from the statement of reasons for allowance should not be interpreted against the applicants, since the express language of each of the claims resulting from the thorough and rigorous examination of the application should supersede and control over any paraphrasing or exemplary language that may have been used as part of the statement of reasons for allowance.

Respectfully submitted,



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